

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH DE COSTER, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware corporation,

Defendant.

No. 2:21-cv-00693-RSM

**NOTICE OF PENDENCY OF OTHER
ACTION**

1 Pursuant to LCR 3(h), Plaintiffs hereby submit this notice of a pending, related case in
2 King County Superior Court. The related case is *State of Washington v. Amazon.com, Inc.*, No. 22-2-
3 01281-1, State of Washington King County Superior Court ("*State of Washington Action*"), attached
4 hereto as Exhibit A.

5 The *State of Washington Action* is a sovereign enforcement action by the Attorney General of
6 the State of Washington against Amazon for violations of the Washington Consumer Protection Act,
7 RCW 19.86.030. The *State of Washington Action* alleges that Amazon entered into a consignment
8 agreement with third-party sellers, and that their agreement fixed prices at artificially high rates
9 without regard to changes that would affect price in a competitive market, such as changes in things
10 like increasing supply levels and decreasing demand. Like Plaintiffs, the *State of Washington Action*
11 alleges that Amazon's agreement with its third-party sellers is a *per se* price-fixing contract
12 between horizontal competitors. And like Plaintiffs, the *State of Washington Action* alleges that
13 Amazon's agreement with its third-party sellers increased prices on and off of Amazon's
14 marketplace platform, so that consumers paid more for those products than they otherwise would
15 have paid in a competitive market. The Attorney General and Amazon entered a consent decree to
16 resolve their disputes, attached hereto as Exhibit B.

17 While the factual allegations in the *State of Washington Action* are similar to those in this
18 action, it is a state action, arising under state law and not subject to a transfer of venue within the
19 federal court system. Plaintiffs are therefore unaware of any procedure that would permit
20 coordination between the actions.
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1 DATED: January 27, 2022

Respectfully submitted,

2 HAGENS BERMAN SOBOL SHAPIRO LLP

3 By /s/ Steve W. Berman

4 Steve W. Berman (WSBA No. 12536)

/s/ Barbara A. Mahoney

5 Barbara A. Mahoney (WSBA No. 31845)

6 1301 Second Avenue, Suite 2000

7 Seattle, WA 98101

Telephone: (206) 623-7292

8 Facsimile: (206) 623-0594

steve@hbsslaw.com

barbaram@hbsslaw.com

9 KELLER LENKNER LLC

10 Zina G. Bash (pro hac vice)

11 111 Congress Avenue, Suite 500

12 Austin, TX, 78701

Telephone: (512) 690-0990

13 E-mail: zina.bash@kellerlenkner.com

14 Warren D. Postman (pro hac vice)

15 Albert Y. Pak (pro hac vice)

16 1100 Vermont Avenue, N.W., 12th Floor

Washington DC, 20005

Telephone: (202) 918-1123

17 E-mail: wdp@kellerlenkner.com

E-mail: albert.pak@kellerlenkner.com

18 *Interim Lead Counsel for Plaintiffs*

19
20 QUINN EMANUEL URQUHART &
SULLIVAN, LLP

21 By: /s/ Alicia Cobb

22 Alicia Cobb, WSBA # 48685

23 1109 First Avenue, Suite 210

Seattle, WA 98101

24 Telephone: (206) 905-7000

Email: aliciacobb@quinnemanuel.com

1 Steig D. Olson (pro hac vice)
2 David D. LeRay (pro hac vice)
3 Nic V. Siebert (pro hac vice)
4 51 Madison Avenue, 22nd Floor
5 New York, NY 10010
6 Telephone: (212) 849-7000
7 Email: steigolson@quinnemanuel.com

8 Adam B. Wolfson (pro hac vice)
9 865 South Figueroa Street, 10th Floor
10 Los Angeles, CA 90017-2543
11 Telephone: (213) 443-3000
12 Email: adamwolfson@quinnemanuel.com

13 KELLER ROHRBACK L.L.P.

14 By: /s/ Derek W. Loeser
15 Derek W. Loeser (WSBA No. 24274)
16 1201 Third Avenue, Suite 3200
17 Seattle, WA 98101-3052
18 Telephone: (206) 623-1900
19 Facsimile: (206) 623-3384
20 Dloeser@kellerrohrback.com

21 *Plaintiffs' Executive Committee Members*

22 **MILBERG COLEMAN BRYSON**
23 **PHILLIPS GROSSMAN, PLLC**

24 Peggy J. Wedgworth*
25 Elizabeth McKenna*
26 Robert A. Wallner*
27 Blake Hunter Yagman*
28 100 Garden City Plaza, Suite 500
Garden City, New York 11530
Telephone: 212-594-5300
pwedgworth@milberg.com
emckenna@milberg.com
rwallner@milberg.com
byagman@milberg.com
*Pro Hac Vice Forthcoming

Attorneys for Megan Smith

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 27, 2022, a true and correct copy of the foregoing was
3 filed electronically by CM/ECF, which caused notice to be sent to all counsel of record.

4 /s/ Steve W. Berman
5 Steve W. Berman
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